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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,)	Case No. 2:15-mj-00640-CWH
)	
Plaintiff,)	<u>Stipulation to Continue Preliminary</u>
)	<u>Hearing (Second Request)</u>
vs.)	
)	
REGINALD WEAVER,)	
)	
Defendant.)	

IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL G. BOGDEN, United States Attorney, and CRISTINA D. SILVA, Assistant United States Attorney, counsel for the United States of America, and PAUL RIDDLE, Assistant Federal Public Defender, counsel for defendant REGINALD WEAVER, that the preliminary hearing date in the above-captioned matter, currently scheduled for September 24, 2015, at 4:00 pm, be vacated and continued for forty-five (45) days, to a date and time to be set by this Honorable Court.

This stipulation is entered into for the following reasons:

1. The parties request a continuance of the preliminary hearing so they may engage in pre-indictment plea negotiations, which may eliminate the need for a preliminary hearing or an indictment.
2. The parties agree to the continuance.
3. The defendant is not incarcerated and does not object to the continuance.

5. The additional time requested herein is not sought for purposes of delay, but to for a possible pre-indictment resolution of the case.

DATED this 23rd day of September, 2015.

//s//
PAUL RIDDLE
Assistant Federal Public Defender
Counsel for Defendant -
REGINALD WEAVER

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,) Case No. 2:15-mj-00640-CWH
)
Plaintiff,) **FINDINGS OF FACT AND ORDER**
)
vs.)
)
REGINALD WEAVER,)
)
Defendant.)

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. That the parties seek to continue the preliminary hearing in order to engage in pre-indictment plea negotiations, which may eliminate the need for a preliminary hearing or an indictment.

2. That the parties agree to the continuance.

3. That the defendant is incarcerated and but does not object to the continuance.

4. Additionally, that denial of this request for continuance could result in a miscarriage of justice.

5. That the additional time requested herein is not sought for purposes of delay, but to allow for a possible pre-indictment resolution of the case.

6. That the additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

7. This is the second request to continue the preliminary hearing date filed herein.

1 For all of the above-stated reasons, the ends of justice would best be served by a
2 continuance of the preliminary hearing date.

3 **CONCLUSIONS OF LAW**

4 The ends of justice served by granting said continuance outweigh the best
5 interest of the public and the defendant, since the failure to grant said continuance would be
6 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
7 opportunity within which to be able to effectively and thoroughly prepare for the preliminary
8 hearing, and possibly resolve the case prior to the preliminary hearing, taking into account the
exercise of due diligence.

9 The continuance sought herein is allowed, with the defendant's consent,
10 pursuant to Federal Rules of Procedure 5.1(d).

11 **ORDER**

12 IT IS THEREFORE ORDERED that the preliminary hearing currently
13 scheduled for September 23, 2015, at the hour of 4:00 pm, be vacated and continued to
14 Monday, November 23, 2015, at 4:00 p.m.

15 DATED September 24, 2015

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17 
18 THE HONORABLE CARL W. HOFFMAN
UNITED STATES MAGISTRATE JUDGE
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